

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAYAKRISHNAN K. NAIR, et al.,

CASE NO. C19-1296 MJP

Plaintiffs,

**ORDER DISMISSING
DEFENDANT MOLINA
HEALTHCARE, INC.**

CHANNA COPELAND, et al.,

Defendants.

The above-entitled Court, having received and reviewed Defendant Molina Healthcare (“Molina”), Inc.’s Rule 12(b) Motion to Dismiss (Dkt. No. 109), Defendant’s reply brief (Dkt. No. 125), all attached declarations and exhibits, and relevant portions of the record¹, rules as follows:

IT IS ORDERED that the complaint against Defendant Molina Healthcare, Inc. is DISMISSED with prejudice on the following grounds:

¹ Plaintiffs filed no opposition to this motion, invoking the effects of Local Rule 7(b)(2): “Except for motions for summary judgment, if a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.”

1. Lack of subject matter jurisdiction: Plaintiffs assert no claims against Molina that arise under federal law. Based on the twin facts that the policy at issue was generated by Molina Healthcare of Washington and Plaintiff Jayakrishnan K. Nair is “a permanent resident of the USA domiciled in the state of Washington,” there is not complete diversity between the parties and therefore no federal diversity jurisdiction. Finally, the bad faith insurance claim against Molina does not arise out of the same nucleus of common facts as all of Plaintiffs’ other claims, therefore supplemental jurisdiction is likewise inappropriate.
2. Failure to state a cognizable claim: Plaintiffs (who are not the insured) lack standing to bring a bad faith insurance claim against this company. Their complaint, which asserts a failure to provide coverage for a stay at a skilled nursing facility, fails to allege that a duty was owed by the insurer to provide coverage for such an event.

The Court finds that there is no set of facts which Plaintiffs could allege which would cure the defects cited above. On that basis, the dismissal of Defendant Molina Healthcare, Inc. will be with prejudice.

The clerk is ordered to provide copies of this order to Plaintiffs and to all counsel.

Dated May 22, 2020.

Wassily Kandinsky

Marsha J. Pechman
United States Senior District Judge